

OFFICIAL COPY

Fresno, California

November 16, 1999

The City Council met in joint session with the Redevelopment Agency at the hour of 8:48 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember (arrived later)
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF NOVEMBER 9, 1999

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Agency minutes of November 9, 1999, approved as submitted.

(“A”) ACCEPT REPORT OF DISCLOSURE STATEMENTS RECEIVED FOR REDEVELOPMENT PROJECT AREAS (NO REPORTABLE INTERESTS) (COUNCIL AND AGENCY ACTION)

City Attorney Montoy noted the item was for informational purposes only, and Agency Director Fitzpatrick advised maps were displayed/available for Council’s review if desired. By Council consensus, the statements were accepted.

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The joint bodies adjourned at 8:50 a.m. The City Council convened in regular session at the hour of 9:04 a.m. with all members present.

Father Norris, St. Helen’s Church, gave the invocation.

Acting President Mathys led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF "CANTEEN OF FRESNO, INC. DAY" - COUNCILMEMBER QUINTERO

PROCLAMATION OF "THE AMERICAN CANCER SOCIETY'S GREAT AMERICAN SMOKE OUT DAY"

PROCLAMATION OF "HOPE NOW FOR YOUTH WEEK"

RESOLUTION OF COMMENDATION FOR RIVERSIDE GOLF COURSE - ACTING PRESIDENT MATHYS

RESOLUTION OF COMMENDATION TO GARY NELSON, TEACHER AT PERSHING HIGH SCHOOL -
COUNCILMEMBER BOYAJIAN

PROCLAMATION OF "FAITH CHARLES DAY" - COUNCILMEMBER BREDEFELD

The above proclamations and resolutions were read and presented.

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APPROVE COUNCIL MINUTES OF NOVEMBER 9, 1999

The minutes of November 9, 1999, were approved as submitted.

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APPROVE AGENDA:

(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-9-29 AND ENVIRONMENTAL FINDINGS,
FILED BY BOB SHOCKLEY, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. CENTRAL
AND S. CEDAR AVENUES

1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. R-99-29
2. RESOLUTION - AMENDING THE ROOSEVELT COMMUNITY PLAN
3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO M-3/UGM

City Clerk Klisch advised the Resolution was being deleted as it should not have been listed. So noted.

DIRECT STAFF TO SCHEDULE ON THE NOVEMBER 30TH AGENDA: (1) WORKSHOP ON PROJECT
LABOR AGREEMENTS AND IMPACTS ON THE CITY; AND (2) CONSIDERATION OF A RESOLUTION
STIPULATING THE CITY'S POSITION ON PRIVATIZATION - COUNCILMEMBER PEREA

Direction made and President Steitz set the issues for November 30th at 3:00 and 4:00 p.m. respectively.

DIRECT STAFF TO LOOK INTO GREEN'S RECYCLING OPERATION ON WHITESBRIDGE AND ISSUE
A CEASE AND DESIST ORDER - COUNCILMEMBER RONQUILLO

Direction made with City Attorney Montoy stating she would look into the matter and report back.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE REQUEST OF KAWEAH CONSTRUCTION TO SUBSTITUTE CHRISTIAN BROTHERS PAINTING FOR SUBCONTRACTOR TARIN PAINTING FOR THE REHABILITATION OF DIGESTERS 3, 6, 7 AND 8 AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY/PLANT 1

(1A-2) APPROVE AN AGREEMENT WITH KRAZAN AND ASSOCIATES, INC. FOR PROFESSIONAL SOILS ENGINEERING SERVICES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-3) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN CONSULTING ENGINEERS FOR INSPECTION, EVALUATION AND DESIGN FOR THE REMEDIATION OF WASTEWATER COLLECTION FACILITIES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-4) * RESOLUTION NO. 99-323 - 47TH AMENDMENT TO AAR 99-181 APPROPRIATING \$2,300 IN THE FIRE DEPARTMENT OBTAINED FROM FIRST RESPONDER FEES FOR EMERGENCY MEDICAL SERVICES (EMS) RENDERED

(1A-6) RESOLUTION NO. 99-324 - DESIGNATING THE WILD RESIDENCE, 567 E.CLINTON AVENUE IN DISTRICT 1, TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES

(1A-9) AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO DECKER FORD OF CLOVIS IN THE ESTIMATED AMOUNT OF \$179,708.96 TO PROVIDE ½ TON TRUCKS TO THE CITY

(1A-10) AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO DECKER FORD OF CLOVIS IN THE ESTIMATED AMOUNT OF \$77,675.39 TO PROVIDE COMPACT PICKUP TRUCKS TO THE CITY

(1A-11) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO (2) ONE-YEAR EXTENSIONS TO: (1) DECKER FORD FOR BID ITEM 1 IN THE AMOUNT OF \$150,927.91 FOR FIVE (5) CLASS 4 CONVENTIONAL CAB TRUCKS, AND (2) RY-DEN DIESEL FOR BID ITEM 2 IN THE AMOUNT OF \$133,824.33 FOR FIVE (5) CLASS 4 CAB-OVER-ENGINE

(1A-12) DETERMINING THAT RUCKSTELL CA SALES COMPANY IS NON-RESPONSIVE TO THE SPECIFICATIONS FOR BID ITEM 2; AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO SCELZI ENTERPRISES IN THE AMOUNT OF \$125,850 FOR SERVICE UTILITY BODIES (BID ITEMS 1 AND 2)

(1A-13) AWARD A CONTRACT TO SCHEIDT, HAYDON & HALL, INC. IN THE AMOUNT OF \$103,301.50 FOR INSTALLATION OF AN 8" WATER MAIN IN N. WEST AVENUE FROM GETTYSBURG TO SHAW, AND IN W. SHAW AVENUE FROM WEST TO CHANNING AVENUES

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(9:00 A.M.) PRESENTATION BY THE POLICE DEPARTMENT OF LATENT PIN AWARDS TO NON-SWORN COMMUNITY SERVICE OFFICERS

1. APPEARANCE BY SUSAN BECHARA REGARDING LAW ENFORCEMENT APPRECIATION DAY AND TO HONOR POLICE OFFICERS WHO HAVE WORKED HARD FOR PUBLIC SAFETY

The Latent Pin Awards were presented by Chief Winchester **(2 - 0)**. Ms. Bechara honored and presented plaques to numerous Officers for their work with youth and the community.

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RECESS - 10:22 A.M. - 10:36 A.M. Councilmembers Boyajian, Perea and Quintero arrived later.

(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-99-29 AND ENVIRONMENTAL FINDINGS, FILED BY BOB SHOCKLEY, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. CENTRAL AND S. CEDAR AVENUES

1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. R-99-29

2. BILL NO. B-76 - ORDINANCE NO. 99-70 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO M-3/UGM

President Steitz announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo spoke in support of the project and commended the investors.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-99-29 hereby approved, and the above entitled Bill No. B-76 adopted as Ordinance No. 99-70, by the following vote:

Ayes	:	Bredefeld, Mathys, Ronquillo, Steitz
Noes	:	None
Absent	:	Boyajian, Perea, Quintero

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(3A) CONSIDER AGREEMENT FOR ARCHITECTURAL SERVICES TO PERFORM A FEASIBILITY STUDY AND COMPARATIVE COST ANALYSIS FOR THE REMODEL AND EXPANSION OF THE CONVENTION CENTER FACILITIES

1. REQUEST BY MAYOR PATTERSON TO RECONSIDER COUNCIL ACTION OF 10/26/99, DENYING AN AGREEMENT WITH THE TAYLOR GROUP

a. APPROVE AGREEMENT WITH THE TAYLOR GROUP FOR ARCHITECTURAL SERVICES - MAYOR PATTERSON

b. RESOLUTION NO. 99-325 - 21ST AMENDMENT TO AAR 99-181 APPROPRIATING \$43,000 TO THE TAYLOR GROUP FOR A FEASIBILITY STUDY TO IMPROVE THE CONVENTION CENTER FACILITIES (REQUIRES 5 AFFIRMATIVE VOTES)

2. APPROVE AGREEMENT WITH LMN ARCHITECTS FOR ARCHITECTURAL SERVICES

a. RESOLUTION - 50TH AMENDMENT TO AAR APPROPRIATING \$53,000 TO LMN ARCHITECTS FOR A FEASIBILITY STUDY TO IMPROVE THE CONVENTION CENTER FACILITIES (REQUIRES 5 AFFIRMATIVE VOTES)

Acting President Mathys stated he was glad the issue was back before Council; noted Council made a pledge to keep work local whenever possible; and made a motion to approve an agreement with the local low bidder, The Taylor Group. Councilmembers Quintero, Boyajian and Perea arrived at 10:39 a.m. Councilmember Bredefeld stated he had concerns originally with Mr. Taylor's ability to be objective, advised he met with Mr. Taylor and his concerns had been allayed, and seconded Acting President Mathys' motion.

Councilmember Ronquillo stated his earlier vote in support of out of town LMN was based on problems Council had in reference to the contentious exhibit hall expansion project and Council's ability to move forward on a project he stressed was vital to the city of Fresno and elaborated; and stated he would not support the motion clarifying his vote was not against Mr. Taylor but was in the best interests of the city and future utilization of the entire convention operation, including parking and a hotel site.

Councilmember Boyajian stated although he, too, met with Mr. Taylor and felt Mr. Taylor was qualified, he was very dismayed to find out that other local firms were not notified of this issue and they should have had an opportunity, and questioned the timeframe. Councilmember Perea noted he also met with Mr. Taylor and was comfortable Mr. Taylor would provide the analysis needed, and stated the project needed to be moved forward and he would support the motion.

A motion of Acting President Mathys, seconded by Councilmember Bredefeld, to approve an agreement with The Taylor Group, contingent upon City Attorney approval of the contract, and to adopt the above entitled Resolution failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Steitz
Noes	:	Boyajian, Quintero, Ronquillo
Absent	:	None

Councilmember Ronquillo stated the \$10,000 difference in price seemed like a lot today but it could, in fact, make millions in the future, and stressed he felt it was important for Council to make sound decisions and made a motion to approve the agreement with LMN Architects.

Councilmember Bredefeld stated he would not support the motion and suggested Councilmembers reconsider their votes since a majority supported moving forward with The Taylor Group. **(3 - 0)** Councilmember Boyajian requested the matter be put out to bid and questioned how many firms were notified of this project, and Councilmember Quintero questioned LMN's prior work with the City in developing a Master Plan for the Convention Center Area, with Economic Development Coordinator Webster responding. Councilmember Quintero stated he supported LMN as they already had information in place and it just needed to be updated.

Councilmember Ronquillo questioned if Mr. Taylor could include Inyo Street as an expansion of the footprint for a potential future hotel, with Mr. Taylor stating that could be made part of the process, whereupon Councilmember Ronquillo stated he would support The Taylor Group if it was included. President Steitz noted Councilmember Ronquillo had the motion on the floor for LMN, whereupon Councilmember Ronquillo withdrew his motion. Councilmember Quintero made a motion for LMN which died for lack of a second. Upon further question of Councilmember Ronquillo, Mr. Reid advised the analysis to increase the footprint for a future hotel could be accomplished administratively.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, an agreement with The Taylor Group in the amount of \$40,000, contingent upon City Attorney approval of the contract, hereby approved and the Public Works Director authorized to sign the Agreement on behalf of the City; and the above entitled Resolution No. 99-325 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	Boyajian, Quintero
Absent	:	None

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(3B) * RESOLUTION NO. 99-326 - 51ST AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 OF COUNCIL DISTRICT GENERAL FUND INFRASTRUCTURE BUDGETS TO FUND THE GROUP HOME TEXT AMENDMENT - *OPTION 1* (INITIATED BY COUNCILMEMBER BOYAJIAN)

1. *RESOLUTION - 52ND AMENDMENT TO AAR 99-181 APPROPRIATING \$4,900 OF THE FIRE DEPARTMENTS' OPERATING REVENUE, AND \$100 OF DISTRICT 1's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE GROUP HOME TEXT AMENDMENT - *OPTION 2*

Councilmember Boyajian made a motion to approve Option 2, which was seconded by Councilmember Ronquillo and subsequently withdrawn.

Fire Chief Smith responded to questions of Acting President Mathys relative to the impact of Option 2 on the Fire Department. Acting President Mathys stated it was unfair to utilize the Fire Department's funds and he would not support the motion. President Steitz stated he did not see the point of expending \$5,000 since the text amendment would only update and clean up the code and could be processed during the general plan update, with City Manager Reid responding and recommending against it. President Steitz stated he, too, would not support using the Fire Department's funds.

Councilmember Boyajian stated it was his understanding the \$4,900 was surplus; expressed his concern stating this was a terrible game pitting Council against the Fire Department; stressed the City Manager should find another funding source; and withdrew his motion for Option 2 and made a motion for Option 1, which was seconded and acted upon after additional discussion.

Mr. Reid responded to the funding issues including the unsuccessful attempt to have a \$300,000 reserve fund in the FY 2000 budget for just these types of issues; emphasized staff was supportive of moving this text amendment forward and was not trying to roadblock the issue; and clarified Councilmember Boyajian initially stated he would fund the amendment which was how the issue came to be.

Councilmember Bredefeld stated he would not support using Fire Department funds and he felt Option 1 was an appropriate use of Council's infrastructure budgets. Councilmember Perea stated he would not support utilizing funds from his District budget and added the needed \$5,000 was available in salary savings.

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-326, Option 1, hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea
Absent	:	None

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(11:00 A.M.) PRESENTATION BY REPRESENTATIVES OF VARIOUS INVOLVED ORGANIZATIONS REGARDING THE AFFECTS OF AIR QUALITY ON THEIR RESPECTIVE INDUSTRIES AND THE COMMUNITY AT LARGE

1. DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE MODELING SAN FRANCISCO'S HEALTHY AIR AND SMOG PREVENTION ORDINANCE - COUNCILMEMBER PEREA

Councilmember Perea reviewed the issue stating the San Joaquin Valley ranked in the top 10 of the country's dirtiest air basins; asked Council to take a leadership and pro-active role and support an ordinance which would (1) develop an alternative fuel infrastructure for the City; (2) require City departments to purchase ultra-low and zero emission vehicles, *when possible*, and (3) establish a Clean Air Program within the City; and played a video on the valley's air quality.

Speaking to the issue were: Gerald Moreno, 1359 W. Norwich; Dave Crow, San Joaquin Valley Air Pollution Control District, 1990 Gettysburg **(4 - 0)**; Barbara Hunt, 944 "F" Street; Manuel Cunha, 1775 N. Fine, President, Neisi Farmers League, on behalf of the Citizens Advisory Group of Industries of the San Joaquin Valley; Dr. Jeffrey Glassheim, 1646 E. Herndon #106, American Lung Association Board Member; Transit Manager Rudd; Kevin Hall, 1204 E. Sierra Madre; Gloria Torres, 3923 E. Dakota; and City Manager Reid.

Acting President Mathys stated air quality was a major concern but he felt an ordinance was premature and recommended a workshop on air quality be held with all involved parties.

Extensive discussion ensued with Councilmembers Ronquillo and Boyajian, President Steitz and Councilmember Bredefeld **(5 - 0)** commenting on the seriousness of the issue, expressing their concerns, and recommending possible solutions, with Mr. Crow and Mr. Rudd responding to questions of President Steitz.

Councilmember Perea reiterated this was an opportunity for Council to take a leadership role and made a motion to direct the City Attorney to draft an ordinance and schedule a workshop in conjunction with the introduction of the ordinance, which was seconded and acted upon after brief discussion. Mr. Rudd responded to questions of Councilmember Boyajian relative to implementation of mass transit and City employee participation.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the City Attorney directed to draft an ordinance modeled after San Francisco's Healthy Air and Smog Prevention Ordinance, to include (1) development of an alternative fuel infrastructure for the City; (2) requirement for City departments to purchase ultra-low and zero emission vehicles, *when possible*, and (3) establishing a Clean Air Program within the City; and introduction of the ordinance and a workshop on air quality hereby set for January 4, 2000, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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Acting President Mathys left the meeting at 12:29 p.m. and returned after the lunch recess.

SUSPENSION OF COUNCIL RULES TO CONTINUE WITH THE AGENDA

On motion of Councilmember Ronquillo, seconded by President Steitz, duly carried, RESOLVED, the Council Lunch Hour Rule hereby suspended to continue with the agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

(11:30 A.M.) REQUEST FOR UPDATE ON THE EXHIBIT HALL EXPANSION PROJECT INCLUDING STATUS ON COMPLETION AND SCHEDULE OF DISBURSEMENT OF FEES - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo advised he had been contacted by several contractors relative to retention funds being withheld, and questioned if the exhibit hall project was completed and if it was, the contractors should be paid what was owed them based on them contractually completing their obligations.

City Manager Reid gave an oral update report stating staff was following and administrating the contract in accordance with standard protocol, and advised the project was not completed and would not be complete until a certificate of occupancy was issued and explained, and clarified the 10% retention.

Speaking to the issue and expressing their concerns were: Clinton Howe, Howe Electric; Attorney Myron Smith, 246 W. Shaw, representing Long Construction and Interior Contractors; Barbara Hunt, 944 "F" Street; Greg Shore, Interior Contractors, 2910 E. Heaton; and Armen Devedjian, Licensed Architect, Long Construction Project Manager.

Mr. Reid responded to concerns and issues expressed, including the early release of retention funds. Extensive discussion ensued with City Attorney Montoy responding to questions relative to legality and City Manager's ability to release funds, who determines "safe to occupy", liability issues, and if the City was in compliance. Councilmember Perea left the meeting at 12:55 p.m. and returned after the lunch recess. Councilmember Ronquillo made a motion to request the most recent report from the City Manager, including the City Attorney's interpretation of where the issue stood and potential liability on comments made by the contractors, which was seconded by President Steitz. Councilmember Quintero briefly left the meeting at 12:59 p.m.

Mr. Reid explained the arbitration issue, with President Steitz requesting that also be included in the report. President Steitz noted there was a motion on the floor and called for the vote, whereupon Councilmember Ronquillo began speaking. President Steitz left at 1:00 p.m. and noting lack of a quorum with his leaving adjourned the meeting for the lunch recess. Councilmember Quintero returned to the meeting at 1:01 p.m.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, Councilmember Boyajian selected Chair in the absence of the President and Acting President, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Ronquillo
Noes	:	None
Absent	:	Mathys, Perea, Steitz

Brief discussion ensued with Mr. Howe and Mr. Reid responding to questions of Chair Boyajian relative to substantial compliance being one of the problems, inspection, obtaining a report back by November 30th, and possible need to amend the contract for early release of funds.

On motion of Councilmember Ronquillo, seconded by Chair Boyajian, duly carried, RESOLVED, the City Manager and City Attorney directed to report back with the most recent status and on the City Attorney's interpretation of where the issue stood and potential liability relative to comments made by the involved contractors, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Ronquillo
Noes	:	None
Absent	:	Mathys, Perea, Steitz

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LUNCH RECESS - 1:08 P.M. - 2:15 P.M. Councilmembers Bredefeld and Ronquillo arrived later.

(1A-5) RESOLUTION NO. 99-327 - DESIGNATING THE WEST HALL, THE SHOP, THE GYMNASIUM, THE EAST HALL, AND THE AUDITORIUM BUILDINGS AT THEODORE ROOSEVELT HIGH SCHOOL, LOCATED AT 4250 E. TULARE STREET IN COUNCIL DISTRICT 5, TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES

Roger Taylor, 4557 E. Pico, representing Temple, Anderson, Moore architectural firm, spoke in support of the issue **(6 - 0)** and briefly responded to questions.

above entitled Resolution No. 99-327 hereby adopted, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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(1A-7) APPROVE A FIVE-YEAR LEASE TO PURCHASE A VOICE MAIL SYSTEM, AN AUTOMATED CALL DISTRIBUTION (ACD) SYSTEM, AND RELATED EQUIPMENT

Councilmember Bredefeld arrived at 2:19 p.m. Director of Information Services Cluff responded to questions of Councilmembers Perea and Boyajian relative to competitive bidding, the office supply contract, who was currently providing the service, and if Pacific Bell and AT&T were solicited.

On motion of Councilmember Perea, seconded by President Steitz, duly carried, RESOLVED, a five year lease for the purchase of a voice mail system, an ACD system and related equipment hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(1A-8) AWARD A CONTRACT FOR SECURITY SERVICES AT CITY HALL AND DOWNTOWN LOCATIONS

Councilmember Perea stated he felt a three-year lease with two one-year extensions was too long and there should be more flexibility to review the contract, with Purchasing Manager Taggart responding to questions and clarifying issues. Councilmember Perea clarified he had no problem with the service and he would support a two year agreement. Ms. Taggart advised the contract could not be cut back to two years and recommended approval of a three year contract without extensions.

Steve Geil, California Industrial Service, stated a three-year contract was better cost-wise.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, a three-year requirements contract, without the two (2) one-year extensions, hereby awarded to CIS to provide security services in the estimated amount of \$101,878.40 per year for City Hall, and in the estimated amount of \$42,473.60 for bicycle patrol, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(1A-14) APPROVE AN AMENDMENT TO THE AGREEMENT WITH BFI WASTE SERVICES TO CONTINUE THE SINGLE-FAMILY, MULTI-FAMILY AND COMMERCIAL RECYCLING PROGRAMS UNTIL THE NEW AB 939 PROGRAMS HAVE BEEN FULLY IMPLEMENTED

Councilmember Perea noted Council had previously asked for no additional extensions and clarified his concern was not about BFI but about the City not doing things in a timely manner resulting in these types of situations. Public Utilities Director Rhinehart clarified issues and concerns and responded to questions of Councilmember Boyajian relative to impact if the amendment was not approved. Councilmember Ronquillo arrived at 2:32 p.m.

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the amendment to the Recycling Agreement with BFI Services hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea
Absent	:	None

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(3C) ADOPT POLICY TO PLACE PROPERTY INTO THE ENTERPRISE ZONE

1. RESOLUTION - PLACING PROPERTY LOCATED AT 1854 E. HOME INTO THE ENTERPRISE ZONE - COUNCILMEMBER PEREA

Economic Development Coordinator Webster advised staff had not had time to review the request and requested the matter be continued two weeks to allow staff to meet with the company and evaluate the policy and acreage that would be utilized. Brief discussion ensued. Councilmember Perea requested staff include in the report a listing of all the companies that have been awarded the designation to date along with those companies in the pipeline, and Councilmember Ronquillo requested staff include the total amount of potentially committed areas.

By Council consensus, the matter was laid over to November 30th.

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(2:30 P.M.) APPEARANCE BY THE COMMUNITY COALITION FOR TOBACCO PREVENTION TO ADDRESS THE ISSUE OF LACK OF ENFORCEMENT OF LABOR CODE SECTION 6404.5 (AB 3037) IN THE CITY OF FRESNO AND REQUESTING ENFORCEMENT OF THE CALIFORNIA SMOKE-FREE WORKPLACE LAW

Joe Martinez, Fresno County Economic Opportunities Commission, 1727 L Street #102, representing the Community Coalition for Tobacco Prevention (CCTP), briefly reviewed the law and what it provided for, emphasized the City had not issued any citations noting neighboring cities were enforcing the law, and asked Council to enforce the labor code.

Additional speakers urging the law be enforced were: Edward Guzman, Musician/bar employee, 1105th Street #101, Clovis; Zachary Ludd, Bartender, 1648 Alamos, Clovis; Margaret Walker, 5466 N. Figarden Dr. #215; Susan Pearman, Chair, CCTP, 3606 N. College; Lola Gonzales, 4718 E. Hoxie; Sabrina Kelley, 3013 E. Angus; Dian

Kiser, Director, BREATH, California Smoke-Free Bar Program, 5495 Carlson Dr., Sacramento; and Charles Sant'Agata, 4948 N. Arthur, Executive Director, American Lung Association.

Upon request, Police Lt. Bridges explained the Police Department's recently developed policy, and responded to Council questions (7 - 0). Acting President Mathys left the meeting at 3:00 p.m. A copy of the Police Department's policy was distributed to Council and is on file in the office of the City Clerk.

Discussion ensued on the City's policy, if there was adequate manpower for enforcement, and developing a partnership with CCTP. Councilmember Perea requested staff provide Council with reports on complaints made and citations issued. Councilmember Bredefeld stressed the law was in effect and should be enforced, stated the Coalition should not have to keep bringing the issue up, and stated he hoped the enforcement message would be heard up to the Chief's office.

City Manager Reid stated Fresno County received funds from the State for enforcement and if Council wanted to supplement the City's enforcement, a resolution should be adopted giving the County Health Department the authority to cite, whereupon President Steitz directed staff to schedule that issue on the November 30th agenda. Councilmember Boyajian commented on the issue and stated the enforcement authority should be the ABC and the County Health Department and explained.

Upon question of Councilmember Perea, Attorney Teresa Boshard, American Lung Association, stated local authorities could designate an agency to enforce the law and explained, adding to authorize the Health Department to issue citations would be a rare measure, and responded to additional questions relative to type of citations and ultimate responsibility of the City to enforce the law.

Councilmember Perea stated he was not interested in turning the citation authority over to the Health Department, and made a motion to direct the Police Department to continue with its policy. Mr. Reid clarified his suggestion for supplemental enforcement was not intended to replace the Police Department's policy stating it should continue, and advised what the City of Santa Monica was doing. Councilmember Boyajian stated he hoped the Coalition and ABC would come to the table and work together with the City.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Police Department to continue enforcing its Smoking in Places of Employment Policy (Labor Code Section 6404.5), by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Mathys, Ronquillo

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(3:00 P.M.) DISCUSSION REGARDING SOLID WASTE CONVERSION FROM ALLEY GARBAGE PICK-UP TO FRONT YARD PICK-UP - COUNCILMEMBER QUINTERO

1. REQUEST UPDATE REGARDING RESULTS OF SEVERAL NEIGHBORHOOD MEETINGS RELATING TO SOLID WASTE CONVERSION INCLUDING NEGATIVE AND POSITIVE FEEDBACK RECEIVED AT THOSE MEETINGS

Councilmember Quintero advised of residents' concerns and requested a status report, with Public Utilities Director Rhinehart advising it was early in the process which was probably why questions and concerns were being expressed, and gave a brief status update on where the City was with neighborhood meetings and responded to additional questions.

Speaking to the issue and expressing their concerns were: Rosalyn Clark, Apartment Owner, Lowell Area; and Mrs. Miles. Councilmember Ronquillo returned to the meeting at 3:33 p.m. and Acting President Mathys returned at 3:37 p.m.

Councilmember Boyajian stated he hoped the inner-city Councilmembers would rethink their positions relative to including alley customers in the recycling program stating it was going to be chaotic. Upon question of Councilmember Perea, Mr. Rhinehart stated staff currently worked with customers on individual issues including health issues and would continue to do so, and responded to additional questions of Councilmember Ronquillo and Acting President Mathys relative to the recycling program, apartment complexes, container sizes, and when the City would be in compliance. Acting President Mathys stressed it was very important that the City go through an extensive educational process, especially with seniors. Mr. Rhinehart responded to additional questions of Councilmember Quintero relative to what other cities were doing with older neighborhoods, **(8 - 0)** inability to come up with one uniform policy due to neighborhoods with different needs, and timeline for neighborhood meetings and staff's report back on the program/proposals. Mr. Rhinehart advised staff was available and would be happy to follow up with any customer. There was no further discussion.

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(3:30 P.M.) DESIGNATE SPECIFIC AREAS AND ROOMS WITHIN THE VETERAN'S MEMORIAL AUDITORIUM FOR USE BY THOSE WHO RENT THE THEATER AND AS A MASTER PLAN FOR AUDITORIUM USAGE - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian reviewed the issue stating over time it seemed like the Arts/Theater Groups have lost more and more space with Room 208 being the most recent loss, clarified he was not trying to pit one group against the other, and stated what was needed was a logical, spacial plan and questioned why Room 208 was taken away from the Arts. Special Projects Coordinator Quesada advised due to the Americans with Disabilities Act (ADA), all public rooms required access to the disabled, so everything above the first floor was being used for storage.

Mabelle Selland, former Manager of the Theater, advised of the rooms that used to go with the Theater and of areas taken over by the Veterans and locked up.

Upon question of President Steitz, City Attorney Montoy confirmed the second floor was not able to be leased, with President Steitz stating focus should be placed on designating some other area for the Arts groups. Director of Parks and Recreation Primavera reviewed the issue, including which rooms were being used by whom, and confirmed the second floor was at this time, off limits for *public* use due to ADA, and stated staff would be happy to meet with the Arts group.

Gladys Peters, 1132 E. Santa Ana, spoke to the lack of cooperation of the Veterans Group with other groups.

President Steitz stated at issue was Parks and Recreation staff meeting with the involved groups and working out space requirements as the second floor was off limits and not at issue. Councilmember Boyajian reiterated and emphasized Room 208 was being used by the Veterans as office space. Ms. Montoy advised her office would look into the issue and provide an opinion on public use versus how Room 208 was being utilized.

Continued speakers were: Linda Hamilton, 2834 N. Farris, who advised of a letter from Mr. Warkentine, Music Department, Fresno Pacific University, relative to their use of the auditorium; Robert Candoian, 628 W. Weldon; Michael Lash, 1693 S. Helm; Anita Hamparson, 361 W. San Ramon; Chuck Leavitt, representing Fresno Playhouse; Sharon Henderson, Cynthia Merrill employee, 1758 W. Stuart; Chuck Monges, 2425 Fresno Street; George Hamparson, 361 W. San Ramon; and Art Hill, Deputy Chief of Staff, Legion of Valor Museum, 3354 W. Alluvial **(9 - 0)**.

Brief discussion ensued on whether staff had met with the groups, need for staff to meet with the groups and report back, if any ADA complaints had been received, looking into cost estimates for another Green Room for the Arts, and status of the existing lease. By Council consensus, staff to meet with the involved groups and report back on the issue and with a legal opinion on January 4th.

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(5A) BILL NO. B-75 - ORDINANCE NO. 99-71 - AMENDING SECTION 8-402 OF THE FRESNO MUNICIPAL CODE, RELATING TO THE USE OF DESIGNATED PARK AREAS - PRESIDENT STEITZ

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Bill No. B-75 adopted as Ordinance No. 99-71, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5B) PROPOSED APPOINTMENT OF WILMA QUAN TO THE TOWER DISTRICT DESIGN REVIEW COMMITTEE - COUNCILMEMBER BOYAJIAN (FOR INTRODUCTION)

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the appointment of Wilma Quan to the Tower District Design Review Committee introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5C) * RESOLUTION NO. 99-328 - 49TH AMENDMENT TO AAR 99-181 APPROPRIATING \$3,000 FROM DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE ROOSEVELT HIGH SCHOOL MARIACHI BAND - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-328 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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(5D) DIRECT CITY ATTORNEY TO PREPARE A CHARTER AMENDMENT REQUIRING COUNCIL APPROVAL OF THE APPOINTMENT OF THE CITY MANAGER - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo stated he wanted to set the issue for a date and time certain for public debate; noted he was scheduling the issue due to “rocky times” with the Strong Mayor Form of Government and the administration; and clarified this would provide a future opportunity for Council to approve only the selection with the Mayor having the authority to fire.

President Steitz recommended not only the Strong Mayor Form of Government be considered but the entire structure to fine tune the system, including the possibility of a Council Services Department. Councilmember Ronquillo consented and stated his proposal would also provide for the building of a good relationship with the City Manager right from the start. President Steitz set the issue for December 14th at 2:30 p.m. and brief discussion.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY GERALD MORENO REGARDING ILLEGAL ADVERTISEMENTS IN HIGHWAY CITY

Appearance made; no action taken.

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(2:00 P.M.) CLOSED SESSION:

(A.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. CITY OF FRESNO V. GLENN JAMES BEDGOOD, ET AL.
2. FRESNO CITY EMPLOYEES ASSOCIATION V. CITY OF FRESNO - COUNCILMEMBER RONQUILLO

The City Council met in closed session in Room 2125 at the hour of 5:00 p.m. to consider the above issues and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:20 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____ 1999.

Ken Steitz, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk